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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,778	07/28/2003	Neil Hutton	12M-33 US	5339

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/627,778	HUTTON, NEIL	
	Examiner	Art Unit	
	Alexandra K Pechhold	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 13-15 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☒ Claim(s) 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>12/3/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C.

121:

I. Claims 1-14, drawn to a method, classified in class 14, subclass 71.5.

II. Claims 15-23, drawn to a system, classified in class 14, subclass 69.5.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the system of group II can be used by another method other than that of group I.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mark Weir on January 6, 2004 a provisional election was made with traverse to prosecute the invention of group I, claims 1-15. Affirmation of this election must be made by applicant in replying to

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this Office action. Claims 16-23 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4, 7, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderberg (WO 9608411 A1).**

Regarding claim 1, Anderberg discloses a method for aligning a passenger loading bridge having an aircraft-engaging end to a doorway of an aircraft, comprising the steps of:

guiding the aircraft toward the aircraft-engaging end of the passenger loading bridge as disclosed on page 8, lines 13-20;

providing a human intelligible indication for indicating the desired parking position of the aircraft, the human intelligible indication being dependent upon the position of the aircraft- engaging end of the passenger loading bridge, such that substantially varying the position of the aircraft-engaging end of the passenger loading bridge results in a substantial variation in the parking position of the aircraft, as disclosed on page 8, lines 13-20 wherein the human intelligible indicator is the distance meter (18);

stopping the aircraft at the desired parking position in dependence upon the human intelligible indication, such that the doorway of the aircraft is substantially aligned with the aircraft-engaging end of the passenger loading bridge as disclosed on page 8, line 23; and,

adjusting the passenger loading bridge to move the aircraft-engaging end into an aircraft engaging condition as disclosed on page 9, lines 15-27.

Regarding claim 2, Anderberg discloses the steps of:

determining a type of the aircraft on page 7, lines 10-11;

determining a desired parking position for the determined type of the aircraft on page 7, lines 16-17, wherein a different parking position is selected for different aircraft types, as disclosed by Anderberg's statement on page 5, lines 19-20 that information on the expected stop position of the different aircraft models is stored in the database (9).

Regarding claim 3, Anderberg discloses selecting the parking position of the aircraft from a plurality of predetermined parking positions for a same type of aircraft at a same passenger loading bridge by the disclosure on page 5, lines 19-20 that information on the expected stop position of the different aircraft models is stored in the database (9), and on page 7, lines 16-17 that there is an expected position of the aircraft.

Regarding claim 4, Anderberg discloses the step of moving the aircraft-engaging end of the passenger loading bridge to a position adjacent to the desired parking position on page 7, lines 13-37 and page 8, lines 1-12.

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Regarding claim 7, Anderberg discloses a method for aligning a passenger loading bridge having an aircraft-engaging end to a doorway of an aircraft, comprising the steps of:

determining a type of the aircraft as disclosed on page 7, lines 10-11;

determining a desired parking position for the determined type of the aircraft as disclosed on page 7, lines 16-17;

moving the aircraft-engaging end of the passenger loading bridge to a position adjacent to the desired parking position as disclosed on page 7, lines 13-37 and page 8, lines 1-12;

guiding the aircraft toward the aircraft-engaging end of the passenger loading bridge as disclosed on page 8, lines 13-20;

providing a human intelligible indication for indicating the desired parking position of the aircraft, the human intelligible indication being dependent upon the position of the aircraft- engaging end of the passenger loading bridge, such that substantially varying the position of the aircraft-engaging end of the passenger loading bridge results in a substantial variation in the parking position of the aircraft, as disclosed on page 8, lines 13-20 wherein the human intelligible indicator is the distance meter (18);

stopping the aircraft at the desired parking position in dependence upon the human intelligible indication, such that the doorway of the aircraft is substantially aligned with the aircraft-engaging end of the passenger loading bridge as disclosed on page 8, line 23; and,

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adjusting the passenger loading bridge to move the aircraft-engaging end into an aircraft engaging condition as disclosed on page 9, lines 15-27.

Regarding claim 13, Anderberg discloses the step of providing a human intelligible indication for indicating the desired parking position of the aircraft including the steps of:

positioning an indicator relative to the aircraft-engaging end of the passenger loading bridge, disclosed as the distance meter (18) on page 8, line 15 shown in Figs. 1-3 as located by the terminal (3) and therefore relative to the end of the passenger bridge (1);

wherein the position of the indicator is indicative of the desired parking position of the aircraft, since the distance meter (18) is disclosed on page 8, lines 13-20 as determining the position of the aircraft.

Regarding claim 14, the meter (18) of Anderberg can be viewed as a wand.

Regarding claim 15, Anderberg discloses a method for aligning a passenger loading bridge having an aircraft-engaging end to a doorway of an aircraft comprising the steps of:

determining a type of the aircraft as disclosed on page 7, lines 10-11;

selecting the desired parking position for the determined type of aircraft from a plurality of allowed parking positions for the determined type of the aircraft in the vicinity of the passenger loading bridge by the disclosure on page 5, lines 19-20 that information on the expected stop position of the different aircraft

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models is stored in the database (9), and on page 7, lines 16-17 that there is an expected position of the aircraft;

moving the aircraft-engaging end of the passenger loading bridge to a position adjacent to the desired parking position as disclosed on page 7, lines 13-37 and page 8, lines 1-12;

guiding the aircraft toward the aircraft-engaging end of the passenger loading bridge as disclosed on page 8, lines 13-20;

providing a human intelligible indication for indicating the desired parking position of the aircraft, the human intelligible indication being dependent upon the position of the aircraft- engaging end of the passenger loading bridge, such that substantially varying the position of the aircraft-engaging end of the passenger loading bridge results in a substantial variation in the parking position of the aircraft, as disclosed on page 8, lines 13-20 wherein the human intelligible indicator is the distance meter (18);

stopping the aircraft at the desired parking position in dependence upon the human intelligible indication, such that the doorway of the aircraft is substantially aligned with the aircraft-engaging end of the passenger loading bridge as disclosed on page 8, line 23; and,

adjusting the passenger loading bridge to move the aircraft-engaging end into an aircraft engaging condition as disclosed on page 9, lines 15-27.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 5, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderberg (WO 9608411 A1).** Anderberg fails to disclose the step of adjusting the passenger loading bridge to move the aircraft-engaging end into an aircraft engaging condition including a step of extending the passenger loading bridge a distance of between 0.5 meters and 3 meters (claim 5 and 8), or extending the passenger loading bridge a distance of less than 1 meter (claims 6 and 9).

Allowable Subject Matter

9. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
1/6/04